

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19949 of 2014

Arising Out of PS.Case No. -491 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE District- MUZAFFARPUR

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Murari Kumar @ Kunwar S/o Rajendra Kunwar @ Jeewachh Kunwar, resident of village- Tejaul, P.S.- Gaighat, District- Muzaffarpur, at present- Police line, P.S.- Ahiyapur, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Rajendra Singh, Son of Ramdeo Singh, resident of village- Shekhpur Akharaghat, P.S.- Ahiyapur, District- Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 16-01-2018

Heard learned counsel for the petitioner and learned counsel for the State.

2. Petitioner has filed this quashing application under Section 482 Cr.P.C. for setting aside the criminal proceeding inclusive of cognizance order dated 23.04.2013 passed by the Judicial Magistrate, 1st Class, Muzaffarpur in Complaint Case No. 491 of 2013 thereby taking cognizance of offence under Sections 323, 379, 384, 406, 409 and 420 of I.P.C.

3. Learned counsel for the petitioner submits that prior to institution of the present complaint, accused persons had filed informatory petition before the Sub Divisional Magistrate,



Muzaffarpur but candidly admits that no information was given to the police, secondly, there is some contradictions in the statements of the witnesses as per the allegations made in the complaint.

4. However, allegation is that accused persons had taken friendly loan of Rs. 90,000/- in total from the complainant with a promise to return it back by January, 2013 but the petitioner did not return within stipulated period then complainant alleged to have sent reminder to the accused persons to repay the loan amount, on account of that accused persons abused and assaulted and also resorted to firing.

5. It is not the case that any offence is not disclosed in the complaint ,however, some of the offences are not made out in which cognizance has been taken regarding extortion and breach of trust, so this ground may be raised by the petitioner at the time of framing of charge.

6. With the aforesaid observation, this application stands disposed of.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.01.2018
Transmission Date	19.01.2018

